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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/901,430	07/09/2001	Friedhelm Beckmann	2763/207-187	7357

7590

02/19/2003

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EXAMINER

FONTAINE, MONICA A

ART UNIT

PAPER NUMBER

1732

DATE MAILED: 02/19/2003

10

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/901,430

Applicant(s)

BECKMANN, FRIEDHELM

Examiner

Monica A Fontaine

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) 8 and 9 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-9 are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Election/Restrictions***

Applicant's election of Group I, Claims 1-7 in Paper No. 9 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

### ***Priority***

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gorthala et al. (U.S. Patent 6,007,655). Regarding Claim 1, Gorthala et al., hereafter "Gorthala," shows that it is known to implement a method of producing a plastic component (Column 1, lines 11-13), which comprises placing a first material into a shaping mold (Column 2, lines 17-19), introducing a second material into a mold by injection molding (Column 2, lines 19-21; Column 6, lines 25-27), and bonding the first and second materials to a composite and thereby

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maintaining in the first material a given amount of specific heat or residual heat when the second material is introduced (Column 3, lines 29-40, 50-62). Although Gorthala does not explicitly state that the second material is of a lesser strength than a high-strength first material, it would have been obvious to one of ordinary skill in the art at the time the invention was made for the Gorthala's two different materials to have different strengths in order to have versatile physical properties. Regarding Claim 2, Gorthala shows that it is known to incorporate fiber materials in the materials for raising a structural strength of the plastic component (Column 2, lines 17-18), meeting applicant's claim.

Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gorthala, in view of Bertschi et al. (U.S. Patent 5,651,998). Regarding Claim 3, Gorthala shows the basic process as claimed as discussed above, but does not show molding the first and second resins in two areas of the same mold. Bertschi et al., hereafter "Bertschi," shows that it is known to screen off a region of the mold with a slide and molding the first material in the screened-off region, and after pulling the slide and a cooling period, bonding the second material to the first material, while the first material still contains heat (Column 6, lines 33-42). Bertschi and Gorthala are combinable because they are concerned with a similar technical field, namely, that of molding an article out of more than one resin. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Bertschi's slide in a mold in Gorthala's process in order to mold two different resins while making use of only one mold. Regarding Claim 4, Gorthala shows the basic process as claimed as discussed above, but does not show a step of prefabrication. Bertschi shows that it is known to insert a prefabricated component formed of the first material with a given amount of residual heat, and subsequently bonding the

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second material to the first material (Column 6, lines 43-46). The examiner is interpreting the claimed component to include any object, including Bertschi's "shot," made of the first material. It would have been obvious to one of ordinary skill in the art at the time the invention was made to insert Bertschi's prefabricated shot and subsequently bonding the second material to the first material in Gorthala's molding process in order to insure that an exact amount of the first resin is in the mold before the second resin is injected.

Claims 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gorthala, in view of Uhlig (U.S. Patent 4,170,622). Regarding Claim 5, Gorthala shows the basic process as claimed as discussed above, but does not show forming a component with ribbing. Uhlig shows that it is known to mold a component with ribbing out of a first resin (Column 3, lines 51-54; Column 6, lines 23-29). Uhlig and Gorthala are combinable because they are concerned with a similar technical field, namely, that of molding a thermoplastic material into a desired article. It would have been obvious to one of ordinary skill in the art at the time the invention was made to form Uhlig's ribs in Gorthala's molding process in order to produce an article having a ribbed formation. Regarding Claim 6, Gorthala shows the basic process as claimed as discussed above, but does not show forming a component having hollow portion. Uhlig shows that it is known to mold a component having a hollow portion (Column 6, lines 45-49). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use form Uhlig's hollow article by Gorthala's molding process in order to produce a desired hollow article. Regarding Claim 7, Gorthala shows the basic process as claimed as discussed above, but does not show pressing an inert gas into the first material to form a hollow portion. Uhlig shows that it is

known to form a hollow portion by pressing an inert gas into the first material when the first material is still in a plastic phase (Column 6, lines 23-29, 49-51).

### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of the art with regard to molding resins in general:

U.S. Patent 3,809,733 to Sandiford et al.

U.S. Patent 5,910,284 to Dressler

U.S. Patent 6,179,142 to Hansen

U.S. Patent 6,428,729 to Bhatt et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Monica A Fontaine whose telephone number is 703-305-7239.

The examiner can normally be reached on Monday-Friday 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rick Crispino can be reached on 703-308-3853. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9310 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

maf

February 10, 2003



JILL L. HEITBRINK  
PRIMARY EXAMINER

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2/10/03